

## **REMARKS**

This Amendment is submitted in response to the Office Action dated August 23, 2002, having a shortened statutory period set to expire November 23, 2002. Claims 1-4, 6-13, 16-20, 22-68, and 73-84 are pending. Applicants have amended claims 1, 33, and 62, and canceled Claim 5. No new matter has been introduced by these amendments.

### **Claim Objections**

With regard to paragraph 5 of the present Office Action, the Examiner is correct in assuming that an error was made on the part of the Applicants and appropriate corrections have been made canceling the first instance of Claims 14 and 15 and the second instance of Claims 14 and 15 as "Unchanged." Additionally, the claims have been renumbered beginning at the second instance of Claim 14 through 82. Applicants have also corrected Claim 27 to read "Amended" and Claim 28 to read "Unchanged."

### **Claim Rejections - 35 U.S.C. § 102**

In paragraph 7, Claims 1, 3, 12-17, 20, 31, 33, 42-43, 46-49, 52, 54, 60, 65 and 77-79 have been rejected under 35 U.S.C. 102(e) as being anticipated by *Tso et al.* (U.S. Patent No. 6,047,327).

### **Claim Rejections - 35 U.S.C. § 103**

In paragraph 8, Claims 2, 4-9, 11, 32, 34-39, 41, 44-45, 51, 53, 61-62, 64 and 71-73 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Tso et al.* (U.S. Patent No. 6,047,327).

In paragraph 9, Claims 10, 18, 4, 50, and 63 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Tso et al.* (U.S. Patent No. 6,047,327) in view of *Camaisa et al.* (U.S. Patent No. 5,845,263).

In paragraph 10, Claims 21, 26-27 and 58 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Tso et al.* (U.S. Patent No. 6,047,327) in view of *Freeman et al.* (U.S. Patent No. 6,068,183).

In paragraph 11, Claims 22-25, 28, 55-57 and 66 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Tso et al.* (U.S. Patent No. 6,047,327) in view of *QuickOrder Press Release* ("QuickOrder").

In paragraph 12, Claims 29-30 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tso et al.* (U.S. Patent No. 6,047,327) in view of *Halverson* (U.S. Patent No. 6,301,564 B1).

In paragraph 13, Claims 74-76 and 80-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tso et al.*, (U.S. Patent No. 6,047,327) in view of *Del Giorno* (U.S. Patent No. 5,899,502).

All of the above cited rejections are respectfully traversed and reconsideration of those claims is requested.

With regard to Claim 1, page 3 of the present Office Action states that *Tso* teaches a method for specifying an electronic food menu as recited in Claim 1. Applicants respectfully traverse the Examiner's position that such an element is so well known in the art that a reference showing such element is not necessary. In the specification, Applicants have clearly identified the use of stored food preferences on a personal storage device as one of the unique aspects of the present invention. While it is certainly well known to store preferences for particular applications loaded on a personal storage device, Applicants submit that the storage of particular "food preferences" of the user to enable a server system at a particular restaurant to access such preferences, as opposed to general application preferences such as whether the user prefers A4 paper or 8.5"x11," is not known or

suggested in the prior art. Consequently, Applicants respectfully request that the Examiner produce a reference showing such an element if it is indeed an element that is so well known in the art.

Further, Claim 1 recites the element of "*graphically displaying said selected food menu, wherein said plurality of food menu items that do not satisfy said previously stored food preferences for said particular customer are graphically distinguishable from said plurality of food menu items that do satisfy said food preferences for said particular customer.*" On page 5 of the present Office Action, Official Notice is given that this feature is well known in the art of graphical presentation of menu items for selection. However, while the concept of creating a graphical display, where certain items are "graphically distinguishable, is well known, Applicants respectfully submit that elements of Claim 1 require the selection and functionality of determining which elements to graphically distinguish. Applicants respectfully traverse the Official Notice that distinguishing food items that do not satisfy food preferences for a customer from items that do not match food preferences is functionality that is well known in the art. Again, Applicants respectfully suggest that if such an element is well known in the art, the Examiner should have no difficulty in citing a reference that discloses such functionality, as opposed to generally the concept of selecting and distinguishing preferences.

Consequently, for the reasons given above, Applicants respectfully submit that *Tso et al.* does not show or suggest the present invention as recited in Claim 1. Moreover, Applicants respectfully submit that *Tso et al.* does not show or suggest Claims 2-4, 6-13, 16-20, 22-68, and 73-84, for the reasons given above with respect to Claim 1, and that the rejection of those claims should also be withdrawn.

Paragraph 13, page 10 of the present Office Action states that Claims 74-76 (76-78 after renumbering) are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tso et al.* (U.S. Patent 6,047,327) in view of *Del Giorno* (U.S. Patent No. 5,899,502). These rejections are respectfully traversed and reconsideration of the claims is requested.

With respect to Claims 76, therein is recited the step of "presenting a food menu, wherein said plurality of food menu items that satisfy said food preferences for said particular customer are designated, such that an electronic food menu is specified for a particular customer." It is stated on page 9 of the Office Action that *Del Giorno* teaches customizing a food menu so that items that are indicated to be avoided by the customer's food preferences are designated (citing the abstract). However, as explained in the Abstract of *Del Giorno*, the only menu produced by the disclosed system is one showing available recipes that do not contain ingredients to be avoided. Nowhere in the menu produced by *Del Giorno* are food menu items to be avoided displayed, let alone a food menu that designates particular food items to be avoided. The food menu produced by *Del Giorno* comprises only those food items that the customer will eat and not those that they will not. Consequently, Applicants respectfully submit that *Del Giorno* does not show or suggest a food menu that designated food menu items that are indicated to be avoided by said food preferences for said particular customer are designated. Consequently, Applicants respectfully submit that *Tso et al.* in view of *Del Giorno* does not show or suggest the present invention as claimed in Claim 76, or similarly in Claims 77-78, and that the rejection of those claims should be reconsidered.

Respectfully submitted,



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**REDACTED CLAIMS**

Please amend the claims as follows:

1. (Twice Amended) A method for specifying an electronic food menu, said method comprising the steps of:

retrieving a plurality of food menu items from a data storage medium;

comparing said plurality of food menu items with previously stored food preferences for a particular customer; [and]

presenting a food menu, wherein said plurality of food menu items that satisfy said food preferences for said particular customer are designated on said food menu, such that an electronic food menu is specified for a particular customer;

graphically displaying said selected food menu, wherein said plurality of food menu items that do not satisfy said previously stored food preferences for said particular customer are graphically distinguishable from said plurality of food menu items that do satisfy said food preferences for said particular customer.

2. (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:

graphically displaying said selected food menu according to a output preference for said particular customer, such that the graphical representation of said selected food menu is provided to accommodate a display preference for said particular customer.

3. (Unchanged) The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying only said plurality of food menu items of said selected food menu that are designated.

4. (Unchanged) The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying said selected food menu in order from designated food menu items to non-designated food menu items.

5. (Canceled) [ The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying said selected food menu, wherein said plurality of food menu items that do not satisfy said previously stored food preferences for said particular customer are graphically distinguishable from said plurality of food menu items that do satisfy said food preferences for said particular customer.]

6. (Unchanged) The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying a tactile-detectable graphical representation of said selected food menu, wherein said output preference for said particular customer designates a tactile-detectable graphical representation.

7. (Unchanged) The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying a graphical representation of said selected food menu utilizing a particular font size, wherein said output preference for said particular customer designates said particular font size.

8. (Unchanged) The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying a graphical representation of said selected food menu utilizing a particular language, wherein said output preference for said particular customer designates said particular language.

9. (Unchanged) The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying a graphical representation of said selected food menu wherein prices are displayed in a particular currency, wherein said output preference for said particular customer designates said particular currency.

10. (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:

transmitting auditory output of said selected food menu for said particular customer.

11. (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:

graphically printing said selected food menu for said particular customer.

12. (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:

graphically displaying said selected food menu according to a generic style sheet.

13. (Unchanged) The method for specifying an electronic food menu according to claim 1, said step of retrieving a plurality of food menu items from a data storage medium, further comprising the step of:

receiving said plurality of food menu items via a wireless transmission medium.

14. (Previously Canceled)

15. (Previously Canceled)

[14]16. (Unchanged) The method for specifying an electronic food menu according to claim 13, said step of retrieving a plurality of food menu items from a data storage medium, further comprising the step of:

receiving said plurality of food menu items via a radio frequency transmission medium.

[15]17. (Unchanged) The method for specifying an electronic food menu according to claim 13, said step of retrieving a plurality of food menu items from a data storage medium, further comprising the step of:

receiving said plurality of food menu items via an infrared connection.

[16]18. (Unchanged) The method for specifying an electronic food menu according to claim 1, said step of retrieving a plurality of food menu items from a data storage medium, further comprising the step of:

receiving said plurality of food menu items in a data transmission protocol.

[17]19. (Unchanged) The method for specifying an electronic food menu according to claim 16, said step of receiving said plurality of food menu items in a data transmission protocol, further comprising the step of:

transmitting said food menu items in an extensible mark-up language protocol.

[18]20.(Unchanged) The method for specifying an electronic food menu according to claim 1, said step of retrieving a plurality of food menu items from a data storage medium, further comprising the step of:

accessing a plurality of food menu items from a database, wherein each of said plurality of food menu items comprises a plurality of food and health identifiers.

[19]21. (Previously Canceled)

[20]22. (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:

transmitting said previously stored food preferences for said particular customer to said data storage medium for storage.

[21]23. (Unchanged) The method for specifying an electronic food menu according to claim 20, said step of transmitting said previously stored food preferences further comprising the step of:

determining electronic coupons to provide to a particular customer from said previously stored food preferences.

[22]24. (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the steps of:

receiving an order from said particular customer for food menu items from said selected food menu; and

transmitting said order to an order retrieval system.

[23]25. (Unchanged) The method for specifying an electronic food menu according to claim 22, said method further comprising the step of:

confirming electronic payment for said order.

[24]26. (Previously Amended) The method for specifying an electronic food menu according to claim 22, said method further comprising the step of:

adjusting a waiting period for said order in accordance with said food preferences for said particular customer.

[25]27. (Previously Amended) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:

updating an electronic calendar with said designated food menu items that are specified in said food preferences for a particular time period.

[26]28.(Unchanged) The method for specifying an electronic food menu according to claim 1, said step of retrieving said plurality of food menu items from said data storage medium further comprises the step of:

retrieving electronic coupons for said plurality of food menu items from said data storage medium.

[27]29.(Unchanged) The method for specifying an electronic food menu according to claim 26, said method further comprising the step of:

filtering said electronic coupons that are displayed to a particular customer according to said food preferences for said particular customer.

[28]30.(Unchanged) The method for specifying an electronic food menu according to claim 26, said method further comprising the step of:

updating an electronic calendar with said electronic coupons that are specified for a particular time period.

[29]31.(Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the steps of:

comparing said plurality of food menu items with a plurality of previously stored food preferences for a plurality of customers; and

selecting a food menu wherein said plurality of food menu items that satisfy said previously stored food preferences for said plurality of customers are distinguished, such that an electronic food menu is specified for said plurality of customers.

[30]32.(Unchanged) The method for specifying an electronic food menu according to claim 29, said method further comprising the step of:

retrieving electronic coupons that are specified for said plurality of customers.

[31]33. (Twice Amended) A system for specifying an electronic food menu, said system comprising:  
a data storage medium comprising a plurality of food menu items;  
a data processing system with access to said data storage medium;  
a graphical display monitor for displaying said specified food menu such that said plurality of food menu items that do not satisfy said previously stored food preferences for said particular customer are graphically distinguishable from said plurality of food menu items that do satisfy said food preferences for said particular customer;

wherein said data processing system comprises:

a communications medium for retrieving said plurality of food menu items from said data storage medium;

means for comparing said plurality of food menu items with a plurality of previously stored food preferences for a particular customer;

means for presenting a food menu wherein said plurality of food menu items that satisfy said previously stored food preferences for said particular customer are distinguished on said food menu, such that an electronic food menu is specified for a particular customer.

[32]34. (Unchanged) The system for specifying an electronic food menu according to claim 31, said system further comprising:

a graphical display monitor for displaying said selected food menu according to an output preference for said particular customer, such that the graphical representation of said food menu is provided to accommodate a display preference of said particular customer.

[33]35. (Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor only displays said plurality of food menu items of said selected food menu that are designated.

[34]36.(Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor displays said selected food menu items in order from designated food menu items to non-designated food menu items.

[35]37.(Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor displays said specified food menu such that said plurality of food menu items that do not satisfy said previously stored food preferences for said particular customer are graphically distinguishable from said plurality of food menu items that do satisfy said food preferences for said particular customer.

[36]38.(Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor displays a tactile-detectable graphical representation of said selected food menu.

[37]39.(Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor displays a graphical representation of said selected food menu utilizing a particular font size.

[38]40.(Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor displays a graphical representation of said selected food menu utilizing a particular language.

[39]41.(Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor displays a graphical representation of said selected food menu wherein said prices are depicted utilizing a particular currency.

[40]42.(Unchanged) The system for specifying an electronic food menu according to claim 31, said system further comprising:

an audio element for transmitting auditory output of said selected food menu for said particular customer.

[41]43. (Unchanged) The system for specifying an electronic food menu according to claim 31, said system further comprising:

a printing element for graphically printing said selected food menu for said particular customer.

[42]44. (Previously Amended) The system for specifying an electronic food menu according to claim 31, said system further comprising:

a graphical display monitor for displaying a graphical representation of said selected food menu according to a generic style sheet.

[43]45. (Previously Amended) The system for specifying an electronic food menu according to claim 31, wherein said means for retrieving a plurality of food menu items from said data storage medium, further comprises:

a wireless communication element for receiving said plurality of food menu items via a wireless transmission medium.

[44]46. (Unchanged) The system for specifying an electronic food menu according to claim 43, wherein said wireless communication element supports communication via a radio frequency transmission.

[45]47. (Unchanged) The system for specifying an electronic food menu according to claim 43, wherein said wireless communication element supports communication via an infrared transmission.

[46]48. (Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said means for retrieving a plurality of food menu items from said data storage medium, further comprises:

a network element for receiving said plurality of food menu items via a network connection.

[47]49.(Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said means for retrieving a plurality of food menu items from said data storage medium, further comprises:

a socket interface for receiving said plurality of food menu items via a wired connection.

[48]50.(Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said means for retrieving a plurality of food menu items from said data storage medium, further comprises:

a data transmission protocol for specifying data transmissions across said communications medium.

[49]51.(Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data transmission protocol is an extensible mark-up language protocol.

[50]52.(Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data storage medium further comprises:

a plurality of food menu items accessible from a database, wherein each of said plurality of food and health identifiers.

[51]53.(Unchanged) The system for specifying an electronic food menu according to claim 31, said system further comprising:

a local data storage medium comprising said previously stored food preferences for said particular customer, wherein said previously stored food preferences for a particular customer comprise a plurality of food and health ratings.

[52]54.(Unchanged) The system for specifying an electronic food menu according to claim 31, said system further comprising:

means for transmitting said previously stored food preferences for said particular customer to said data storage medium.

[53]55.(Unchanged) The system for specifying an electronic food menu according to claim 31, said data processing system further comprising:

a local data storage medium for storing said selected food menu, such that said selected food menu is recallable from said local data storage medium.

[54]56.(Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data processing system comprises a pervasive data processing system.

[55]57.(Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data processing system transmits an order to an order queue of food menu items from said selected menu that are selected by said particular customer.

[56]58.(Unchanged) The system for specifying an electronic food menu according to claim 55, wherein said data processing system requests confirmation of an electronic payment for said order.

[57]59.(Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data processing system further comprises an electronic calendar that is updated with food menu items that are designated for a particular time period.

[58]60.(Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data storage medium further comprises a plurality of electronic coupons for said plurality of food menu items.

[59]61 .(Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data processing system further comprises:

means for comparing said plurality of food menu items with a plurality of previously stored food preferences for a plurality of customers; and

means for selecting a food menu wherein said plurality of food menu items that satisfy said previously stored food preferences for said plurality of customers are distinguished, such that an electronic food menu is specified for said plurality of customers.

[60]62. (Amended) A program, residing on a computer usable medium having computer readable program code means, said program comprising:

means for retrieving a plurality of food menu items from a data storage medium;

means for comparing said plurality of food menu items with previously stored food preferences for a particular customer; and

means for generating a food menu designating a selection of said plurality of food menu items that satisfy said previously stored food preferences for said particular customer; and

means for graphically displaying said selected food menu, wherein said plurality of food menu items that do not satisfy said previously stored food preferences for said particular customer are graphically distinguishable from said plurality of food menu items that do satisfy said food preferences for said particular customer.

[61]63. (Unchanged) The program according to claim 60, said program further comprising:

means for enabling a graphical display of said plurality of food menu items, wherein said plurality of food menu items that do not satisfy said previously stored preferences are graphically designated.

[62]64. (Unchanged) The program according to claim 60, said program further comprising:

means for enabling said graphical display of said generated food menu according to an output preference for said particular customer.

[63]65. (Unchanged) The program according to claim 60, said program further comprising:

means for enabling auditory output of said generated food menu for said particular customer.

[64]66.(Unchanged) The program according to claim 60, said program further comprising:  
means for enabling tactile-detectable output of said generated food menu for said particular customer.

[65]67.(Unchanged) The program according to claim 60, said program further comprising:  
means for transmitting said previously stored food preferences for said particular customer to said data storage medium.

[66]68.(Unchanged) The program according to claim 60, said program further comprising:  
means for receiving an order from said particular customer of selected food menu items from among said selected food menu; and  
means for transmitting said order to an order retrieval system.

[67]69.(Canceled)

[68]70.(Canceled)

[69]71.(Canceled)

[70]72.(Canceled)

[71]73.(Previously Added) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:  
designating those food menu items that do not meet said food preferences.

[72]74.(Previously Added) The system for specifying an electronic food menu according to claim 31, said system further comprising:  
means for designating those food menu items that do not meet said food preferences.

means for comparing said plurality of food menu items with previously stored food preferences for a particular customer; and

means for generating a food menu designating a selection of said plurality of food menu items indicated to be avoided by said previously stored food preferences for said particular customer.

[77]79.(Previously Added) The method for specifying an electronic food menu according to claim 1, wherein said food preferences includes health rating preferences for said particular customer.

[78]80.(Previously Added) The system for specifying an electronic food menu according to claim 31, wherein said food preferences includes health rating preferences for said particular customer.

[79]81.(Previously Added) The program according to claim 60, wherein said food preferences includes health rating preferences for said particular customer.

[80]82.(Previously Added) The method for specifying an electronic food menu according to claim 1, wherein said food preferences includes attributes of specified allowable ingredients and specified avoided ingredients for said particular customer.

[81]83.(Previously Added) The system for specifying an electronic food menu according to claim 31, wherein said food preferences includes attributes of specified allowable ingredients and specified avoided ingredients for said particular customer.

[82]84.(Previously Added) The program according to claim 60, wherein said food preferences includes attributes of specified allowable ingredients and specified avoided ingredients for said particular customer.